

REFERENCE TITLE: **real estate licensees; continuing education**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1376

Introduced by
Senator Gray C

AN ACT

AMENDING SECTION 32-2130, ARIZONA REVISED STATUTES; RELATING TO REAL ESTATE LICENSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-2130, Arizona Revised Statutes, is amended to
3 read:

4 32-2130. Renewal of licenses

5 A. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, a license may
6 be renewed in a timely manner by filing an application for renewal in the
7 manner prescribed by the commissioner, by paying the renewal fee specified in
8 this chapter and by presenting evidence of attendance at a school certified
9 by the commissioner during the preceding license period of twenty-four credit
10 hours in the first renewal and forty-eight credit hours in subsequent
11 renewals, or a lesser number of credit hours prescribed by the commissioner,
12 of real estate oriented continuing education courses prescribed and approved
13 by the commissioner. The total number of credit hours shall be accrued at a
14 rate of twenty-four credit hours during each twenty-four month period of
15 licensure. The department shall maintain a current list of approved courses.
16 The commissioner may waive all or a portion of the continuing education
17 requirement for good cause shown.

18 B. If an applicant is renewing a license within one year after it
19 expired, the applicant may apply continuing education hours completed after
20 the expiration toward the continuing education required for renewal.

21 C. Each renewal application shall contain, as applicable, the same
22 information required in an original application pursuant to section 32-2123.

23 D. Cemetery brokers and salespersons and membership camping brokers
24 and salespersons are exempt from the educational requirements of this
25 section.

26 E. Nothing in this section requires a licensee to attend department
27 produced or sponsored courses if approved courses are otherwise available.

28 F. Between the expiration date of the license and the date of renewal
29 of the license, the rights of the licensee under the license expire. While
30 the license is expired it is unlawful for a person to act or attempt or offer
31 to act in a manner included in the definition of a real estate, cemetery or
32 membership camping broker or salesperson. If the license of an employing
33 broker expires under this subsection, the licenses of persons who are
34 employed by the employing broker shall be severed from the employing broker
35 on the license expiration date of the employing broker. These persons may be
36 rehired on renewal of the employing broker's license. The department shall
37 terminate a license that has been expired for more than one year.

38 G. Except as provided in section 32-4301, no more than one year after
39 the license expiration date, the department shall renew a license without
40 requiring the applicant to submit to an examination if the applicant held a
41 license that was not canceled or suspended at the time of expiration. Except
42 as provided in section 32-4301, the license period for a license renewed
43 pursuant to this subsection commences the day after the expiration date of
44 the expired license. Except as provided in section 32-2131, subsection A,

1 paragraph 4 or 6, an applicant whose license has been terminated or revoked
2 does not qualify for license renewal.

3 H. Any employee or immediate family member of any employee of this
4 state who, pursuant to section 32-2110 or any other law, rule or requirement,
5 is prohibited from using a license issued under this chapter shall have, on
6 the request of the employee or family member, the license placed on inactive
7 status, shall have the right to renew the license and shall not be required
8 to pay further fees until the employee or family member is again eligible to
9 use the license. Renewal fees for the license shall not be required for only
10 as long as the employee or family member is prohibited from using the
11 license.

12 I. The department shall not renew the license of a person who has been
13 convicted of a felony offense and who is currently incarcerated for the
14 conviction, paroled or under community supervision and under the supervision
15 of a parole or community supervision officer or who is on probation as a
16 result of the conviction. This subsection does not limit the commissioner's
17 authority and discretion to deny the renewal for any other reason pursuant to
18 this chapter.

19 J. A BROKER OR A REAL ESTATE SALESPERSON, IF RECOMMENDED BY THE REAL
20 ESTATE SALESPERSON'S BROKER, MAY COMPLETE UP TO TWENTY-FOUR CREDIT HOURS OF
21 CONTINUING EDUCATION EVERY FOUR YEARS BY ASSISTING THE DEPARTMENT OF FINANCIAL
22 INSTITUTIONS IN FRAUD INVESTIGATIONS. THE DEPARTMENT OF FINANCIAL
23 INSTITUTIONS MAY LIMIT THE NUMBER OF BROKERS AND REAL ESTATE SALESPERSONS WHO
24 PROVIDE THIS ASSISTANCE. THE COMMISSIONER SHALL ADOPT RULES IN CONJUNCTION
25 WITH THE DEPARTMENT OF FINANCIAL INSTITUTIONS TO IMPLEMENT THIS SUBSECTION.
26 THE STATE REAL ESTATE DEPARTMENT SHALL ISSUE A DESIGNATION OF _____
27 TO ANY BROKER OR REAL ESTATE SALESPERSON WHO SUCCESSFULLY COMPLETES
28 TWENTY-FOUR CREDIT HOURS OF CONTINUING EDUCATION PURSUANT TO THIS SUBSECTION
29 IN A FOUR-YEAR PERIOD.

30 Sec. 2. Legislative intent

31 The legislature intends to assist the department of financial
32 institutions in fraud investigations through the assistance of real estate
33 brokers and salespersons. By allowing this assistance, the legislature
34 intends to create a network between the department of financial institutions
35 and real estate brokers and salespersons of a deeper level by improving
36 communication, cooperation and education between the sales personnel and the
37 real estate financial transaction regulators to achieve a higher level of
38 industry standards without additional costs to this state.